



1/5/08 AF

UNITED STATES PATENT AND TRADEMARK OFFICE

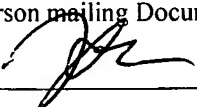
Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited
with the United States Postal Service with sufficient postage as
first class mail in an envelope addressed to: Mail Stop
Appeal Brief, Commissioner for Patents, P.O. Box 1450,
Alexandria, VA 22313-1450 on June 2, 2008

(Date of Deposit)

Harold C. Moore

Name of person mailing Document or Fee



Signature

June 2, 2008

Date of Signature

Re:	Application of:	Zver et al.
	Serial No.:	10/743,339
	Filed:	December 22, 2003
	For:	Automated Bypass Method and Apparatus
	Group Art Unit:	2836
	Confirmation No.:	4710
	Examiner:	Dru M. Parries
	Our Docket No.:	2002P20644US01 (1867-0044)

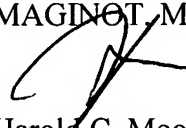
TRANSMITTAL OF REPLY BRIEF

Please find for filing in connection with the above patent application the following documents:

1. Reply Brief; and
2. One (1) return post card.

Please charge any deficiency, or credit any overpayment to Deposit Account No. 13-0014.

Respectfully Submitted,
MAGINOT, MOORE & BECK, LLP

A handwritten signature in black ink, appearing to be 'H. C. Moore', written over the printed name.

June 2, 2008

Harold C. Moore
Registration No. 37,892
Chase Tower
111 Monument Circle, Suite 3250
Indianapolis, IN 46204-5109

Enclosures



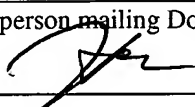
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited
with the United States Postal Service with sufficient postage as
first class mail in an envelope addressed to: Mail Stop
Appeal Brief, Commissioner for Patents, P.O. Box 1450,
Alexandria, VA 22313-1450 on June 2, 2008
(Date of Deposit)

Harold C. Moore

Name of person mailing Document or Fee



Signature

June 2, 2008

Date of Signature

Re:	Application of:	Zver et al.
	Serial No.:	10/743,339
	Filed:	December 22, 2003
	For:	Automated Bypass Method and Apparatus
	Group Art Unit:	2836
	Confirmation No.:	4710
	Examiner:	Dru M. Parries
	Our Docket No.:	2002P20644US01 (1867-0044)

REPLY BRIEF

This is a Reply Brief filed in response to the Examiner's Answer mailed April 2,
2008 ("Answer").

I. General Comments

The arguments set forth in the Appeal Brief filed December 19, 2007 are incorporated herein by reference. Applicants provide the additional discussion in response to Arguments set forth by the Examiner in the Answer.

A. The Examiner's Identification of Intermittent Actuation

In the Appeal Brief, it was argued that the combination of Rossow and Edevold fails to arrive at anything that "caus[es] intermittent actuation of the second indicator during at least a portion of the first transition sequence", as claimed in claim 1.

In the Answer, the Examiner alleged that a single transition from the off to the on state of an indicator constituted "intermittent actuation." (See Answer at pp.4-5). In particular, the Examiner set forth the following relevant argument with regard to the operation of the Edevold/Rossow combination:

...The Examiner would like to not that the definition of "intermittent" is not continuous; occasional; and during that portion (noted above) of the first transition sequence *the second indicator's actuation goes from off to on, and therefore is intermittently actuated* during that portion of the first transition sequence.

(Answer at p.5)(emphasis added). The Examiner also states:

...The extrinsic evidence of these two references makdes clear that the second indicator will go from off to on during the first transition sequence (i.e. intermittent actuation).

(*Id.*)

Thus, the Examiner has unequivocally based the rejection on the interpretation that a single transition from "off" to "on" constitutes *intermittent actuation*. Applicants disagree. Intermittent actuation does not mean a single transition from off to on, either under the plain meaning of the words, or as the words are used in the specification.

With regard to the plain meaning, the phrase “intermittent actuation” consists of two words. The second word, *actuation*, clearly means a state transition, such as from “off” to “on”. The first word, *intermittent*, means something that occurs at intervals. Even if the Examiner’s definition of “intermittent” is adopted, it means “occasional”.

The phrase intermittent actuation therefore means *occasional transitions* from the “off” to “on” state, and more particularly, transitions that occur at intervals. A single transition is not an *occasional* transition. A single transition does not constitute transitions that occur at intervals.

Accordingly, contrary to the Examiner’s assertion, a single transition from “off” to “on” does not constitute “intermittent actuation of the second indicator during at least a portion of the first transition sequence.”

It is noted that the specification is also very clear in employing the plain meaning of the phrase “intermittent actuation”. For example, paragraph [0031] of the specification as published contains the following unambiguous discussion:

Once the first transition sequence is initiated, the bypass control circuit 26 provides a signal to the second indicator 30 that causes the *second indicator 30 to be actuated intermittently (i.e. blinking)*. The blinking second indicator 30 provides to a human operator a notification that the arrangement 10 is changing states, and that the pending state is changing to utility power.

(Specification of Application at ¶[0031]) (emphasis added). The paragraph clearly indicates that “intermittent actuation” means “blinking”, and further provides a reason for the blinking operation.

Accordingly, a single transition of an indicator from “off” to “on” during a “transition sequence” of a device does not constitute “intermittent actuation of the ... indicator during ... the first transition sequence.”

For this reason, it is respectfully submitted that the rejection of the claims should be reversed for this additional reason.

II. CONCLUSION

For all of the foregoing reasons, as well as those set forth in the Appeal Brief, claims 1-20 are not unpatentable. As a consequence, the Board of Appeals is respectfully requested to reverse the rejection of these claims.

Respectfully submitted,



June 2, 2008

Harold C. Moore
Attorney for Applicants
Attorney Registration No. 37,892
Maginot Moore & Beck
Chase Tower
111 Monument Circle, Suite 3250
Indianapolis, Indiana 46204-5109
Telephone: (317) 638-2922